

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Steven Hotze, M.D., Wendell Champion, Hon.
Steve Toth, and Sharon Hemphill,

Plaintiffs,

v.

Chris Hollins, in his official capacity as Harris
County Clerk,

Defendant.

Civil Action

No. 4:20-cv-03709-ASH

**Motion for Leave to File Brief on Behalf of *Amicus Curiae* the
Libertarian Party of Texas in Support of Defendant**

The Libertarian Party of Texas (“LPTexas”) asks the Court for leave to file its brief as *amicus curiae* in support of Defendant. LPTexas’ proposed brief is attached to this motion as Exhibit A.

1. The Libertarians and its candidates are directly affected by Plaintiffs’ attempt to invalidate votes cast in Harris County, Texas. LPTexas has candidates appearing on the ballot in more than eighty (80) statewide races, including candidates for United States Senator, numerous United States Representatives, Texas Supreme Court Justices, and various other local and statewide positions.

2. Several Libertarian federal candidates appear on the very same ballots in Harris County, Texas, where Plaintiff seeks to limit the voters’ access, therefore prohibiting and limiting the ability of voters to cast their ballot for the Libertarians. Plaintiff’s request to

invalidate 127,000 votes will directly and negatively affect LPTexas because this request seeks to disregard and discount ballots potentially cast in favor of LPTexas candidates.

3. Federal district courts possess the inherent authority to accept briefs of *amici curiae*. *In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006); *see also Jin v. Ministry of State Security*, 557 F.Supp. 2d 131, 136 (D.D.C. 2008). “Factors relevant to the determination of whether amicus briefing should be allowed include whether the proffered information is ‘timely and useful’ or otherwise necessary to the administration of justice.” *United States ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007). The role of *amici* is to assist the court “in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Newark Branch, N.A.A.C.P. v. Town of Harrision, N.K.*, 940 F.2d 792, 808 (3rd Cir. 1991).

4. LPTexas believes its brief will be of assistance to the Court because it outlines and explains why Plaintiffs’ request to disregard a significant amount of votes that have already been cast will disenfranchise residents of Harris County *and* negatively affect LPTexas’ ballot access in elections to come.

Respectfully submitted,

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Certificate of Service

I certify that on November 2, 2020, I served a true and correct copy of this paper on all counsel of record through the Clerk's ECF system.

/s/ Jared G. LeBlanc
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